

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re: * CASE NO. 21-55036
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SCOTT LOREN LEVENTHAL, * Chapter 11
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* Debtor. *
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**TRUSTEE'S MOTION TO TRANSFER FUNDS TO
MULTIPLE ESCROW ACCOUNTS**

Comes Now, Todd Hennings, as Subchapter V Trustee (the "Trustee") in the above styled case, and files this Motion to Allow Transfer of Funds, respectfully showing the Court as follows:

1.

Trustee is currently holding \$905,677.15 in escrow pursuant to the Court's Order of July 30, 2021 (the "Order"). [Dkt.No.69], consisting of both Debtor and non-debtor monies. By Order of the Court, Trustee has held these monies in an account in the name of TPKG 13th Street Holdings, LLC, over which Trustee has been sole signatory and authorized fiduciary. Pursuant to prior orders entered by the Court in this case, Trustee has made disbursements to all non-debtors with a claim to the funds. Upon information and belief, the remaining funds constitute property of the estate pursuant to 11 U.S.C. § 541.

2.

Debtor's Chapter 11 plan of reorganization was confirmed by Order of the Court entered on February 21, 2023. The funds held in the account managed by the Trustee are property of the estate subject to disbursement to creditors under the terms of the confirmed plan. Pursuant to the

confirmed plan, Trustee is serving as initial disbursing agent with regard to professional fees, which are administrative expenses in this case. Debtor's counsel has filed its fee application, and Trustee intends to file his shortly. Trustee anticipates that the hearings on such applications will be held and resolved on or about April 20, 2023. Thereafter, Trustee will make disbursements to administrative claimants in amounts to be authorized by the Court, and will turn over the balance of funds to the Debtor pursuant to the confirmed plan of reorganization.

3.

The Trustee believes it would be in the best interest of the estate and all interested parties to divide the escrowed funds into four separate accounts with four separate financial institutions, with each account holding no more than the \$250,000.00 amount which is insured by the FDIC. The Trustee will continue to account and preserve the transferred funds and hold them in a fiduciary capacity within each of the newly opened accounts, consistent with and in continuation of Trustee's responsibilities as set forth in the Court's Order of July 30, 2021. The accounts to be opened, however, will reflect the accounts as being in the name of Trustee as fiduciary in the above referenced Chapter 11 case and will no longer be in the name of TPKG 13th Street Holdings, LLC.

4.

Trustee seeks an Order of the Court allowing Trustee to separate the funds into separate deposits, while any disbursements by Trustee in his role as initial disbursing agent will await further Court Order. Trustee furthermore requests that the Court continue the existing provisions of the July 30, 2021 Order governing the Trustee's authorizations (and restrictions thereto) concerning the subject funds and those additional provisions contained therein.

5.

The Debtor has consented to this Motion. The Office of the United States Trustee has expressed no opposition to the requested relief herein. There are no other creditors or parties in interest with any remaining interest in the subject funds.

WHEREFORE, Trustee prays the Court grant this Motion and allow Trustee to subdivide the \$905,677.15 funds in escrow with the Trustee into four separate bank accounts, with each account holding less than or equal to the \$250,000.00 amount insured by the FDIC.

Respectfully submitted, this 27th day of March, 2023.

/s/ Todd E. Hennings
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Chapter 11, SubChapter V, Trustee